Conduct of Board Meetings

The County Board of Education endeavors to conduct its business efficiently and in a manner that promotes a full and fair consideration of the issues before it and allows for meaningful participation of members of the public.

Quorum and Abstentions

The County Board may convene when a quorum exists. When there are no vacancies on the County Board, or when there is only one vacancy, a quorum consists of four members. When there are two or three vacancies, a quorum consists of three members.

Abstentions and absences do not count as positive votes. Whenever any provision of the Education Code requires unanimous action, the motion or resolution shall pass only if each member casts a positive vote. Any vacant positions shall be excluded in determining the membership of the County Board.

On a call by any County Board member, a voice vote shall be taken upon any proposition and the vote shall be recorded in the minutes. (Education Code 1015)

The County Board believes that when no conflict of interest requires abstention, its members have a duty to vote on issues before them. When a member abstains, his/her abstention shall not be counted as an affirmative vote for purposes of determining whether a majority of the membership of the County Board has taken action.

Meeting Procedures

All County Board meetings shall begin on time and shall be guided by an agenda prepared in accordance with board policies and posted and distributed in accordance with the Ralph M. Brown Act (open meeting requirements) and other applicable laws.

The County Board president shall conduct meetings in accordance with County Board Policies and approved meeting procedures.

Board Actions

Unless otherwise provided by law, affirmative votes by a majority of all the membership of the County Board are required to approve any action under consideration, regardless of the number of members present.
No action shall be taken on any item not appearing on the agenda except in one of the following circumstances:

1. The County Board, by majority vote, determines that the action responds to an emergency situation. (Government Code defines an emergency situation as a work stoppage, crippling disaster or other activity which severely impairs public health or safety.)

2. The County Board determines, either by a two-thirds vote of the members present or, if less than two-thirds of the members are present, by a unanimous vote of all members present, that the need to take immediate action came to the County Board’s attention after the agenda had been posted.

3. The matter was properly posted for a previous meeting occurring not more than five days earlier and was continued to the meeting at which action is being taken. Any item continued from a meeting more than five days earlier shall appear on the agenda for action to be taken.

Public Participation

Members of the public are encouraged to attend County Board meetings and to address the County Board concerning any item on the agenda or within the County Board's jurisdiction. So as not to inhibit public participation, persons attending County Board meetings shall not be required to sign in, complete a questionnaire, or otherwise provide their name or other information as a condition of attending the meeting.

In order to conduct business in an orderly and efficient manner, the County Board requires that public presentations to the County Board comply with the following procedures:

1. The County Board shall give members of the public an opportunity to address the County Board on any item of interest to the public that is within the subject matter jurisdiction of the County Board, either before, during, or after the County Board's consideration of the item. (Government Code 54954.3)

2. At a time so designated on the agenda at a regular meeting, members of the public may bring before the County Board matters that are not listed on the agenda. The County
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Board shall take no action or discussion on any item not appearing on the posted agenda, except as authorized by law. (Government Code 54954.2)

3. Without taking action, County Board members or county office of education (COE) staff members may briefly respond to statements made or questions posed by the public about items not appearing on the agenda. Additionally, on their own initiative or in response to questions posed by the public, a County Board or COE staff member may ask a question for clarification, make a brief announcement, or make a brief report on his/her own activities. (Government Code 54954.2)

4. A person wishing to be heard by the County Board shall first be recognized by the president and shall then proceed to comment as briefly as the subject permits.

5. The County Board shall not prohibit public criticism of its policies, procedures, programs, services, acts, or omissions. (Government Code 54954.3)

6. Whenever a member of the public initiates specific complaints or charges against a COE employee, the County Board president shall inform the complainant that employment matters are the jurisdiction of the County Superintendent and shall advise the complainant to address his/her complaint to the County Superintendent using the appropriate complaint procedure.

7. The County Board president shall not permit any disruption or willful interruption of County Board meetings. Persistent disruption by an individual or group shall be grounds for the president to terminate the privilege of addressing the County Board.

The County Board may remove disruptive individuals and order the room cleared if necessary. In this case, members of the media not participating in the disturbance shall be allowed to remain, and individuals not participating in such disturbances may be allowed to remain at the discretion of the County Board. When the room is ordered cleared due to a disturbance, further proceedings shall concern only matters appearing on the agenda. (Government Code 54957.9)

Recording by the Public

The County Board shall designate locations from which members of the public may broadcast, photograph, or tape record open meetings without causing a distraction.

If the County Board finds that noise, illumination, or obstruction of view related to these activities would persistently disrupt the proceedings, these activities shall be discontinued or restricted as determined by the County Board. (Government Code 54953.5, 54953.6)
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Legal References:

Education Code 35145.5 Agenda; public participation; regulations
Education Code 35163 Official actions, minutes and journal
Education Code 35164 Vote requirements
Education Code 35165 Effect of vacancies upon majority and unanimous votes
Government Code 54954.2 Agenda; posting; action on other matters
Government Code 54954.3 Opportunity for public to address legislative body
Government Code 54596.5 Emergency situations
Government Code 54957 Closed sessions
Government Code 54957.9 Disorderly conduct of general public during meeting
Government Code 54952.2 Meetings defined
Government Code 54953 Teleconferencing
Government Code 54953.5 Audio or video tape recording of proceedings
Government Code 54953.6 Broadcasting of proceedings
Government Code 54954 Time and place of regular meetings
Government Code 54956 Special meetings
Government Code 54956.5 Emergency meetings
Education Code 1013 Quorum
Education Code 1015 Voting
Education Code 1040 Duties and responsibilities; county boards of education
Education Code 1042 County boards; authority
Education Code 1090 County board member compensation
Education Code 32210 Willful disturbance of public school or meeting a misdemeanor

Adopted SMCBE: 11/05/08
(Replaces BP 9355.1 and BP 9356.3)
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